UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,253	11/03/2003	John Bolland Reast	02004.070	3699

7590 03/09/2005

Fildes & Outland, P.C.
Suite 2
20916 Mack Avenue
Grosse Pointe Woods, MI 48236

EXAMINER	
SPISICH, GEORGE D	
ART UNIT	**PAPER NUMBER**
3616	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,253	REAST, JOHN BOLLAND	
	Examiner	Art Unit	
	George D. Spisich	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 2 is objected to because of the following informalities:

Claim 2, lines 2-3 do not read properly. Examiner suggests "connection points.....pivotally mounted" be replaced with - - connection points at the one end of each suspension arm which is pivotally mounted - -.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over McJunkin, Jr. (USPN 3,711,079) in view of Wilson (USPN 5,938,221).

McJunkin, Jr. discloses an anti-roll suspension having a pair of longitudinal leaf spring suspension arms (12, 13) on respective opposed sides of a vehicle, with an axle

(25) being located at least partially with respect to the frame (10) or chassis of the vehicle by means of the leaf spring arms. Each of the leaf spring arms has one end mounted pivotally to the vehicle frame or chassis and an anti-roll means (22,23,33) rigidly connected between the longitudinal leaf spring arms. This mounting converts the longitudinal leaf spring arms from acting as beams which arm pivotally mounted at their one ends to the frame or chassis of the vehicle to beams which are fixed or "tending towards being fixed" at their pivotally connected ends by the anti-roll means during roll motion of the vehicle.

The anti-roll means is an anti-roll bar or tube. The anti-roll means is connected between connection points at which the one end of each suspension arm is pivotally mounted to the frame or chassis such that it adds transverse, torsional stiffness to the suspension arms at the connection points during vehicle roll. It is Examiner's position that the anti-roll bar of McJunkin, Jr. adds a transverse and torsional stiffness that is experienced along the entire length of the leaf spring suspension arm to some degree and therefore, the suspension arrangement of McJunkin, Jr. would at least cause the suspension arms to act as beams "tending" towards being fixed. No structure has been claimed to differentiate Applicant's invention from McJunkin, Jr. and McJunkin, Jr. need only "tend" to any degree toward being fixed.

However, McJunkin, Jr. does not show an air suspension having an air bag with the anti-roll suspension.

Wilson shows a longitudinal leaf spring suspension having air bags (air springs) (12) associated with the leaf springs. Wilson discloses that air springs possess a

desirable soft vertical spring rate (col. 1, line 20-35) and are beneficial to add to a roll stabilizing suspension for that reason.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the leaf spring suspension of McJunkin, Jr., by adding air bag air springs as taught by Wilson for the increased comfort that air springs provide.

Response to Arguments

With respect to Applicant's argument that the arrangement of McJunkin, Jr. in view of Wilson does not provide an anti-roll means that provides a force at the connection points to make the leaf spring suspension arms act as beams fixed "or tending towards" being fixed, Examiner disagrees and maintains the rejection. Examiner repeats the points made in the rejection above that although the arrangement of McJunkin, Jr. in view of Wilson is structurally different than Applicant's invention, Applicant has not claimed any structural difference to overcome this rejection. The rejection provides an anti-roll bar that stiffens the leaf spring suspension arms along the entire length and also at the connection points that would cause the leaf spring suspension arms to act as beams "tending towards being fixed". This language does not require the leaf spring suspension arm of McJunkin, Jr. be fixed at all, only "tend" in the fixed direction which may be to a lesser degree than Applicant's invention. The fact that the peak forces of the anti-roll means of McJunkin, Jr. is further from the connection

point of the anti-roll means and the leaf spring suspension arm than Applicant's invention is irrelevant. It is Examiners position that McJunkin, Jr.'s arrangement at least "tends" towards being fixed and operates in the manner as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (703) 305-6495. The examiner can normally be reached on Monday-Friday 9:30 to 7:00 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich
March 4, 2005

3/7/05

PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600